

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEREMY LEVIN and DR. LUCILLE LEVIN, :  
Plaintiffs, :  
-----X

-against- :  
-----X

BANK OF NEW YORK, JPMORGAN  
CHASE, SOCIETE GENERALE and  
CITIBANK, :  
Defendants. :  
-----X

Case No. 09 Civ. 5900 (RPP)

(FILED PARTIALLY UNDER  
SEAL DUE TO CONFIDENTIAL  
INFORMATION PER ORDER  
DATED JANUARY 21, 2010)

THE BANK OF NEW YORK MELLON, et al., :  
Third-Party Plaintiffs, :  
-----X

**NOTICE OF MOTION**

-against- :  
-----X

STEVEN M. GREENBAUM, et al., :  
Third-Party Defendants. :  
-----X

THE BANK OF NEW YORK MELLON, et al., :  
Third-Party Plaintiffs, :  
-----X

-against- :  
-----X

THE ESTATE OF JAMES SYLVIA and  
LYNNE MICHOL SPENCER, et al., :  
-----X

Third-Party Defendants.  
-----X

-----x

THE BANK OF NEW YORK MELLON, et al., :  
Third-Party Plaintiffs, :  
-against- :  
ESTATE OF MICHAEL HEISER, et al., :  
Third-Party Defendants. :  
-----x

JPMORGAN CHASE BANK, N.A., :  
Third-Party Plaintiff, :  
-against- :  
[REDACTED] et al., :  
Third-Party Defendants. :  
-----x

CITIBANK, N.A., :  
Third-Party Plaintiff, :  
-against- :  
[REDACTED] et al., :  
Third-Party Defendants. :  
-----x

SOCIETE GENERALE, :  
Third-Party Plaintiff, :  
-against- :  
[REDACTED] |  
Third-Party Cross-Claim :  
Defendant, and

[REDACTED] et al., :  
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Third-Party Defendants. :  
-----x  
THE BANK OF NEW YORK MELLON, :  
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Third-Party Plaintiff, :  
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-against- :  
[REDACTED] et al., :  
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Third-Party Defendants. :  
-----x

PLEASE TAKE NOTICE that upon the accompanying Declaration of Curtis C. Mechling, dated June 7, 2011, the exhibits thereto, the Declaration of David B. Misler, dated June 7, 2011, the exhibits thereto, and all prior papers and proceedings had herein, third-party defendants-judgment creditors Steven M. Greenbaum, on behalf of himself individually and as Administrator of the Estate of Judith (Shoshana) Lillian Greenbaum, deceased, Alan D. Hayman, and Shirlee Hayman (collectively, the "Greenbaum Judgment Creditors"), Carlos Acosta, Maria Acosta, Irving Franklin, Estate of Irma Franklin, Sonya Kahane, Cipporah Kaplan, Tova Ettinger, Baruch Kahane, Ethel Griffin as Administrator of Binyamin Kahane's Estate, and Rabbi Norman Kahane (collectively, the "Acosta Judgment Creditors"), third-party defendants-judgment creditors the Estate of Michael Heiser, *et al.* (the "Heiser Judgment Creditors"), and plaintiffs-judgment creditors Jeremy Levin and Dr. Lucille Levin (the "Levins") (collectively, the "Movants") will jointly move this Court, before the Honorable Robert P. Patterson, Jr., United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on June 21, 2011 at 4 p.m. or at a date and time to be determined by the Court, in Courtroom 24A, for an Order granting the

Movants partial summary judgment pursuant to Fed. R. Civ. P. 56 and turnover with regard to the Phase One Assets (as that term has previously been defined in this action) held by defendants-third-party plaintiffs the Bank of New York Mellon and Societe Generale, and granting such other and further relief as this Court deems just and proper.

Dated: New York, New York  
June 7, 2011

STROOCK & STROOCK & LAVAN LLP

By: \_\_\_\_\_ /s/

Curtis C. Mechling  
James L. Bernard  
Benjamin Weathers-Lowin  
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and Acosta Judgment Creditors*